

9-471.02. Deannexation of land from one municipality and annexation to another municipality; deannexation of right-of-way from a municipality to a county

A. Notwithstanding any other law, territory may be deannexed and severed from one city or town and annexed to another city or town under this section if the territory that is deannexed is contiguous to the city or town that annexes the territory.

B. The governing body of a city or town that intends to deannex the territory shall by ordinance set forth the legal description of the territory and shall declare the deannexation of the territory contingent on the fulfillment of the conditions of this section.

C. The governing body of the city or town that intends to annex the territory shall by ordinance set forth the legal description of the territory and shall declare the annexation of the territory contingent on fulfillment of the conditions of this section.

D. The ordinance passed by each governing body shall be filed with the county board of supervisors which shall set a hearing date of not less than thirty nor more than sixty days from the date of the filing of the ordinances and shall notify the governing body of each city or town of the hearing date at least thirty days prior to the date.

E. The governing body of the city or town desiring to deannex territory shall notify by letter the owner of any real property in the territory to be deannexed at least twenty days before the hearing by the county board of supervisors. The notification shall specify that the area is to be deannexed and annexed to another city or town and that the property shall continue to be subject to any tax lawfully assessed against it for the purpose of paying any indebtedness lawfully contracted by the governing body of the city or town while the property was within the corporate limits. The letter shall state that the property owner may protest the action by letter to the county board of supervisors before the hearing or in person at the hearing. If property owners of fifty-one per cent or more of the land area of the territory to be deannexed protest the action, the county board of supervisors shall deny the deannexation of the territory. If the action is denied it may not be resubmitted to the county board of supervisors for at least one year following the denial.

F. On determining that the requirements of this section have been satisfied, on the holding of the public hearing and on determination that the protests filed are insufficient as defined by this section, the county board of supervisors shall order that the territory be deannexed from one city or town and that the same territory be annexed to another city or town as specified in the two ordinances authorized by this section.

G. The land deannexed and annexed shall not be exempt from the payment of any taxes lawfully assessed against it for the purpose of paying any indebtedness lawfully contracted by the corporate authorities of the city or town while the land was within the limits of the city or town and that remains unpaid, and for the payment of which the land could be lawfully taxed.

H. If the governing body of the city or town that has deannexed territory levies a tax on the property within the city or town for the purpose of paying indebtedness incurred before the deannexation, or any part thereof, and interest thereon, the governing body may levy a tax at the same rate and for the same purpose on the deannexed territory. If the owner of any deannexed territory pays off and

discharges a portion of the indebtedness equal in amount to the same proportion of the indebtedness that the assessed value of the owner's land bears to the entire assessed value of all the property subject to taxation for the payment of the indebtedness, calculated according to the last assessment previous to the payment, the land shall be exempted from further taxation to pay the indebtedness. On payment being made, the canceled bonds or other evidences of payment of the portion of the indebtedness shall be deposited with the clerk of the city or town and a certificate shall be given by the clerk stating that the payment has been made.

I. Notwithstanding any other law, a public right-of-way that is partially located within a city or town and partially located within the unincorporated area of a county may be deannexed and severed from the city or town and returned to the county pursuant to section 9-471.03. The county board of supervisors shall notify the city or town if the order of the county board of supervisors ordering the deannexation of the public right-of-way is approved.

J. A copy of the order of the county board of supervisors ordering the deannexation and annexation of any land described in any city or town, certified by the clerk of the board, shall be filed for record in the recorder's office of the county in which the land is situated. The record, or a copy of the order or decree, certified by the clerk of the board, shall be proof of the deannexation and annexation of the land.